



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
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DOUGLAS A. DUCEY
Governor

HEIDI HERBST PAAKKONEN, M.P.A.
Executive Director

Committee on Behavior Analysts

REGULAR SESSION MINUTES

April 2, 2021 - 9:30 a.m.

Held via Zoom

1. CALL TO ORDER

The meeting was called to order at 9:31 a.m.

2. ROLL CALL

Committee Members Present

Donald Stenhoff, Ph.D., BCBA-D – Chair

Bryan Davey, Ph.D., BCBA-D

Diana Davis-Wilson, DBH, BCBA

Paige Raetz, Ph.D., BCBA-D

Tisha Denton, M.Ed., BCBA

Staff Present

Heidi Herbst Paakkonen, Executive Director

Jennifer Michaelson, Deputy Director

Kathy Fowkes, Licensing Specialist

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

3. REMARKS/ANNOUNCEMENTS

● General Committee Remarks, Announcements and Updates

Dr. Stenhoff thanked staff for the preparations for the meeting, and welcomed and thanked committee members for their participation and contributions.

4. APPROVAL OF MINUTES

- March 5, 2021 Regular Session Minutes
- March 5, 2021 Executive Session Minutes

MOTION: Dr. Raetz moved to adopt both sets of minutes as drafted. Dr. Davis-Wilson seconded the motion.

VOTE: The motion was approved 4-0

5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANTS

A. Behavior Analyst Applications for Licensure

1) Arianna Charos, M.S.

Dr. Davey joined the meeting at 9:47 a.m.

Dr. Stenhoff disclosed that he formerly served as the applicant's instructor but can review this application objectively. Dr. Davis-Wilson stated for the record that she is recused from the consideration and vote of this application. The Committee proceeded with a substantive review of the application. It was noted that she answered yes to question 12 and provided documentation relative to that disclosure to include court records reflecting closure of the matter. Ms. Charos was present for the review and discussion of her application and stated that the incident was very uncharacteristic of how she presents herself as a person and a professional. She indicated that in retrospect, and if given the chance to revisit the situation, she would make a difference decision. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

2) Caroline Ann Cohen, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

3) Chelsea Carr, Ph.D.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted clarification is needed concerning the supervision provided by Dr. Rebecca Hartzell. The discussion reflected that the start date occurred in October of 2018, but Dr. Hartzell did not become licensed until January of 2019 which means a period of unlicensed supervision was provided. The question was raised whether the applicant has additional documented supervision hours to address the shortfall. Ms. Fowkes indicated that very recently additional hours were supplied by Dr. Hartzell, along with an explanation that Dr. Carr was her first supervisee and at that time she was unclear about the licensure requirements. Both Dr. Carr and Dr. Hartzell were present for the review of the application. Dr. Carr affirmed she can supplement her application with additional documentation of supervised hours while she was unlicensed. Dr. Hartzell reiterated that she was unclear about the licensure requirements for Arizona; she estimated she provided about 247 hours of supervision to Dr. Carr while unlicensed. The Committee affirmed that those hours are non-qualifying, but that other submitted documentation reflects Dr. Carr did complete 1,500 of supervision in total. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

The Committee noted that given precedent, Dr. Hartzell will need to be invited to come before the Committee to address concerns relative to the unlicensed supervision she provided.

4) Emily Minnema, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

5) Emma Andrews, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

6) Geoffrey Loughrey, M.S. Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

7) Jena Lyn McCoy, M.Ed.

Dr. Raetz disclosed for the record that she is recused from the consideration of this application. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

8) Kayleigh Elisabeth Lutich, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

9) Kendall Brian Curtis, Jr., M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the reported hours reflected 24 hours per week as an average; this would mean that the calculation appears to be appropriate to arrive at the required total of 1,500. Ms. Fowkes confirmed the applicant reported that his hours as initially reported varied significantly week to week, therefore the calculation is correct. The Committee determined the application is complete, fulfills the requirements of statutes and rules, and can be forwarded to the Board with a recommendation for approval.

10) Kendall Davis, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

11) Melissa Hale, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

B. Behavior Analyst Applications for Licensure by Universal Recognition

1) E. Amanda Boutot DiGangi, Ph.D.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

2) Hande Cihan, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

MOTION: Ms. Denton moved to forward the applications of all the listed applicants to the Board with a recommendation for approval. Dr. Davey seconded the motion.

VOTE: The motion was approved 5-0 (with the recusals as indicated above).

6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POSSIBLE UNLICENSED SUPERVISION PROVIDED BY SAMANTHA LEMONS

Ms. Michaelsen summarized the matter noting that during the Committee meeting on March 5, 2021, while reviewing the supervision verification forms submitted in support of Paige Huff's application, one of the forms reflected that Samantha Lemons provided supervision for a period of about one month prior to holding a license in Arizona. She noted that this conduct may constitute a violation of A.R.S. §32-3091.02(A) and that in order to arrive at whether such a violation occurred, the Committee elected to invite Ms. Lemons to attend this meeting. Ms. Michaelsen summarized Ms. Lemon's response to the meeting invitation in which Ms. Lemons cited her credentials and made the representation that she never practiced in Arizona unlawfully. Ms. Lemons was present and she explained to the Committee the timing with which she achieved her professional credentials. The Committee posed questions to Ms. Lemons asking her to describe the services she has provided in Arizona. She explained that while she was a BCaBA she provided client services while under supervision. She noted she became a BCBA in February of 2016, and that there was some overlap of these certification time frames. Ms. Lemons further explained that she was licensed in Nevada in May of 2016 and in Arizona in June of 2016. The Committee questioned whether her Arizona clients were aware of her certification and licensure status. She responded that they knew that she had passed the certification test but that she was a BCaBA until she was licensed. The Committee asked how the clients could distinguish this? She responded that her two certificates reflected her statuses and that her use of her credentials were also the indicators of her status. She stated she did not provide any supervision in Nevada until she was licensed. The Committee noted, however, that she did provide supervision for one month in Arizona prior to being licensed. Ms. Lemons responded that she did so as a BCaBA which she believed to be permissible under Arizona law.

The Committee questioned how she was supervised in May of 2016 by her supervisors during the month in question as this may clarify whether she was in compliance with Arizona law. She stated she only has documentation of being supervised as a BCaBA. The Committee stated that the question that must be answered is whether in the month of May of 2016 unlicensed practice in the form of supervision occurred. Ms. Lemons explained that she was not in touch with her former supervisors and therefore probably could not access documentation to confirm what activities she performed in May of 2016 that could provide the necessary clarification. In response to questioning Ms. Lemons stated that there were 5 days in that 30 day period during which she provided services – including supervision – to Ms. Huff. Ms. Michaelsen affirmed that both supervisors of Ms. Lemons were licensed during the time they supplied the supervision. In response to the Committee's question, Ms. Galvin affirmed that the 20 day licensure exemption at A.R.S. §32-2091.08(A)(4) appears to apply to this situation. Given this, the Committee arrived at a consensus that no further action is necessary with respect to this matter. However the Committee advised Ms. Lemons that the absence of a license type for BCaBAs in Arizona, does not permit a person licensed as such in another jurisdiction to practice here.

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ARIZONA STATE UNIVERSITY'S ONLINE MASTER OF ARTS IN SPECIAL EDUCATION (APPLIED BEHAVIOR ANALYSIS) TO EVALUATE THE PROGRAM'S ADHERENCE TO ARIZONA'S REQUIREMENTS FOR LICENSURE

Dr. Stenhoff announced that he is recused from this agenda item. Dr. Raetz announced that she will be departing the meeting shortly before 11:00 a.m.

Ms. Paakkonen reminded the Committee that during its March 5, 2021 meeting concerns were identified relative to the information that ASU's online ABA program supplies to its students concerning the supervised training requirements established in Arizona's statutes. She noted that Dr. Amanda DiGangi was present for this meeting as a representative of the program, and that she was invited back for purposes of the Committee learning what the program is doing to ensure compliance with Arizona law as it relates to the students' familiarity with the license requirements, and how they earn their supervised hours under licensed behavior analysts.

Dr. DiGangi explained that the program's practicum is not a requirement but is an optional course designed to provide supervised practice. She noted that each student is assigned to a BACB who is trained to be a supervisor and is licensed where required. She indicated that program faculty maintain familiarity with the states that require licensure. Dr. DiGangi also indicated that she meets with the students and explains they are responsible for knowing the requirements where they intend to practice. She stated that the program advises students that they cannot make assurances that the practicum program meets licensure requirements. She further noted, however, that Arizona students are assigned to complete experience under Arizona licensed behavior analysts.

The Committee questioned how the practicum supervisors and how the field supervisors document and claim responsibility for the hours of supervision provided. Dr. DiGangi explained how each situation is outlined and coordinated to ensure compliance with the law. The Committee asked whether there is any thought given to permitting the students to interview prospective supervisors to ascertain such compliance, noting that the BACB rules sometimes deviate from Arizona's license requirements. It was suggested that the program supply the students with the statutes and rules. Dr. DiGangi indicated there is a small number of students in their program, but she takes care with Arizona students to place them under Arizona licensed behavior analysts. The Committee expressed concerns that students may find themselves being supervised by multiple individuals who do not have a shared and accurate understanding of the requirements. The Committee questioned how do the program faculty bridge these gaps of misunderstanding? Dr. DiGangi explained that practicum students are not being provided with simultaneous supervision. She asserted that given the nature of the communications in which they are engaged, students would not come away with any misunderstandings.

The Committee thanked Dr. DiGangi for sharing her time and her expertise. No action was taken by the Committee relative to this agenda item.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECENT UPDATES FROM THE BEHAVIOR ANALYST CERTIFICATION BOARD (BACB)

No updates were supplied from the BACB to regulators since the Committee's most recent meeting.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO, HB2014, HB2067, HB2084, HB2103, HB2128, HB2242, HB2243, HB2267, HB2319, HB2422, HB2433, HB2454, HB2471, HB2535, HB2759, SB1063, SB1089, SB1149 & SB1253

Ms. Paakkonen summarized the following bills:

- HB 2067 establishes a "certificate of second chance" where criminal convictions are concerned that eliminates a barrier to professional licensure.

- HB2267 is the bill that requires licensing agencies to adjust fees on an annual basis; this bill appears to be stalled but that it will continue to be monitored.
- HB2454 expands telehealth practice. This bill has been amended significantly but it now establishes a registry for out of state licensees to practice via telehealth into Arizona.
- SB1253 is scheduled for the final floor hearing and will likely be transmitted to the Governor soon.

She further explained there is no update yet to the filing of the General Appropriations Act for fiscal year 2022 which hopefully will include approval of an additional ½ time staff member who will support behavior analyst licensure functions.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON EXECUTIVE ORDER 2021-02 REQUIREMENT TO REVIEW WAIVED AND SUSPENDED RULES DURING PUBLIC HEALTH STATE OF EMERGENCY FOR COVID-19, AND IMPACTS OF THE SAME

Ms. Paakkonen summarized the requirement of the recent Executive Order that requires license issuing agencies to review all of the waived and suspended rules approved due to the state of emergency and by June 1, 2021 submit a summary of that review to Governor Doug Ducey.

The Committee members agreed by consensus to allow the continuing education waiver extension to terminate with the lifting of the state of emergency, and to retain only the administrative time frame extension and to allow the other time frame extensions to lapse.

The waiver associated with the BACB's temporary deviation from the requirement to interact with clients was discussed and concerns were raised relative to the duration and the impacts to clients and families. The question was raised whether a temporary license opportunity is one option the Board can utilize when documented supervision falls short of the requirements, but it appears there is no statutory language to easily facilitate this. Ms. Galvin cautioned that acting retrospectively could be perceived as "moving the goalposts". The discussion also acknowledged the relevance of supervision provided through telehealth. The Committee questioned whether this waiver is still necessary and whether sustaining it actually causes more harm than that which it is intended to prevent.

MOTION: Dr. Davis-Wilson moved to direct staff to engage the BACB in this discussion to arrive at a recommendation concerning the temporary deviation of the requirement to engage with clients. Ms. Denton seconded the motion.

VOTE: The motion was approved 4-0.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON PROPOSED APPLICATION EDITS TO ADDRESS COVID-19 EDUCATION AND TRAINING MODIFICATIONS, AND TO REDUCE APPLICANT ERRORS IN REPORTING COMPLETION OF SUPERVISED EXPERIENCE

Ms. Fowkes reminded the Committee that during its previous meeting an application edit was made in order to capture any relevant information relative to how COVID modifications to education or training may have impacted applicants' ability to meet the qualifications for licensure.

MOTION: Ms. Denton moved to approve the modification application. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0.

Ms. Fowkes explained that there are many application instances where applicants make errors or omissions that slow the progress of the completion of files, and that the correction and resolution of these consume a great deal of her time. The short-term solutions the staff would like to implement to capture complete and correct information include improved guidance for application disclosures, a form with a matrix to capture information on multiple supervisors at the same site, and edits to certain application questions. The Committee questioned whether an online application intake system could be designed to be error-proof such that applicants can only proceed when correct responses or selections are entered. It was suggested that the application system proctor for these situations rather than shift that burden to the staff. Ms. Paakkonen explained that due to the many limitations and deficiencies of the current shared platform, the staff is forced to develop the type of “band-aid” solutions being discussed today in an effort to remedy a number of application problems. The Committee spoke in favor of the Board adopting a more effective online system solution given these and other challenges and issues. The Committee asserted that if the current system is unable to meet the agency’s needs, other alternatives must be pursued. Ms. Paakkonen stated that in spite of the efforts of Board staff to remedy the current system’s problems, continued use of the current platform is unsustainable. The Committee stated that this is unacceptable and noted that the technology exists to facilitate the application process effectively, efficiently and accurately. Staff and Committee members acknowledged that applicant errors and omissions are the cause of many licensure delays, and that the intake system needs to check and control for these.

Committee members gave feedback to other suggested application revisions and forms as presented by staff. Ms. Paakkonen described the staffing strategy and challenges that she is managing until such time that a functioning system can be implemented, and an additional member be added to the staff team. The Committee also acknowledged how difficult it is to hear how the lack of a suitable system is impacting Ms. Fowkes in the form of the enormous amount of overtime that she is forced to work at this time; the members commended her for her dedication to her role, and pledged their support and assistance.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON ASSEMBLING A LIST OF BEHAVIOR ANALYST PRACTICE MONITORS

Ms. Paakkonen explained that Board staff proposes outlining some actions steps for purposes of assembling a list of practice monitors. This could consist of a partnership with the AzABA leadership in the form of the association identifying the core competencies and which members possess them, and Board staff supplies an overview of, and orientation to, serving in this capacity, how the statute addresses the role, best practices, and what the Board expects from monitors. Such a presentation could include input from a high-performing psychologist practice monitor.

The Committee expressed support for this approach but indicated reticence to move forward until receiving Ms. Galvin’s advice as to whether the Committee can conduct this process or if the Board must be involved. The Committee discussion reflected that the Board staff information may need to go hand-in-hand with the association’s efforts to develop and identify the core competencies. It was suggested that AzABA form an ad-hoc committee for this purpose, and then come to the Board for approval of member appointment to that committee; the member would serve in a coaching capacity.

The discussion reflected that the proposal for education tools and criteria to be developed by Board staff and provided to AzABA is appropriate. Once accomplished, AzABA would then follow a process to ascertain who meets the criteria from which the list is then assembled. This provides assurance to the Committee and to the Board that a proposed monitor can be approved. It was noted that this approach aligns with the fact that the public protection model for behavior analysts in Arizona is a self-regulating one.

MOTION: Dr. Davis-Wilson moved to direct Board staff to work with AzABA as reflected by the discussion; this is predicated on Ms. Galvin’s advice as to whether the Committee can move forward independent of Board involvement and approval. The motion included the provision that should AzABA elect to move forward with an ad hoc committee, either the Committee or the Board appoint a member to serve on it. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION PROCESSING TIME FRAMES

This item was not addressed as it was included on the agenda in error.

14. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The items that will be presented on a future meeting agenda include:

- Inviting Dr. Rebecca Hartzell to a meeting to answer questions concerning the supervision she supplied to the applicant Dr. Chelsea Carr.
- An update from the BACB specific to the temporary deviation from the certification requirement for interactions with a client.
- Feedback and an update to the practice monitor development plan.

15. ADJOURNMENT

MOTION: Ms. Denton moved to adjourn the meeting. Dr. Davis-Wilson seconded the motion

VOTE: The motion was approved 4-0. The meeting adjourned at 1:26 p.m.